

REMARKS

Claims 1-9 are pending in the application.

Applicants have deleted the remaining occurrence of "or solvate" in claim 1.

Applicants have replaced each occurrence of "aryl" in claims 1 and 6-9 with "a phenyl group, a naphthyl group." In addition, Applicants have replaced each occurrence of "heteroaryl" in claims 1 and 6-9 with "a 5- or 6-membered heteroaryl group containing one or more heteroatoms selected from N, S, and O." To illustrate, Applicants have replaced the phrase in claim 1 (emphasis added):

an **aryl** or **heteroaryl** group, both of which may be optionally substituted by one or more substituents independently selected from halogen atoms, cyano, nitro, -OR⁴, -NR⁵R⁶, -CONR⁵R⁶, -COOR⁷, -NR⁸COR⁹, -SR¹⁰, -SO₂R¹⁰, -SO₂NR⁵R⁶, -NR⁸SO₂R⁹, C₁-C₆ alkyl or trifluoromethyl groups;

with

a phenyl group, a naphthyl group, or a 5- or 6-membered heteroaryl group containing one or more heteroatoms selected from N, S, and O, wherein **the phenyl group, the naphthyl group, and the 5- or 6-membered heteroaryl group** are each optionally substituted by one or more substituents independently selected from halogen atoms, cyano, nitro, -OR⁴, -NR⁵R⁶, -CONR⁵R⁶, -COOR⁷, -NR⁸COR⁹, -SR¹⁰, -SO₂R¹⁰, -SO₂NR⁵R⁶, -NR⁸SO₂R⁹, C₁-C₆ alkyl or trifluoromethyl groups; ...

Support for these amendments can be found throughout the specification, e.g., at page 5, lines 17-19.

Applicants have replaced "compounds" in claim 4 with "a compound" as suggested by the examiner.

Finally, Applicants have amended claim 5 to depend from claim 4 instead of claim 1.

The foregoing amendments, which introduce no new matter, are being made for the sole purpose of expediting prosecution of the present application; and Applicants expressly reserve the right to pursue any cancelled subject matter in one or more continuing applications.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-5 remain rejected for allegedly failing to comply with the enablement requirement of U.S.C. § 112, first paragraph. Applicants respectfully disagree with the grounds for the rejection; however, to expedite prosecution of the present application, have deleted the remaining occurrence of “or solvate” in claim 1. In view of the foregoing, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-3 and 5-9 are rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. The recitation of “aryl,” “heteroaryl,” and “substituted” appear to be the basis for the rejection (see Office Action, pages 4-5).

Applicants respectfully disagree with the grounds for the rejection; however, to expedite prosecution of the application, Applicants have replaced each occurrence of “aryl” in claims 1 and 6-9 with “a phenyl group, a naphthyl group.” In addition, Applicants have replaced each occurrence of “heteroaryl” in claims 1 and 6-9 with “a 5- or 6-membered heteroaryl group containing one or more heteroatoms selected from N, S, and O.”

Applicants respectfully request clarification with regard to the Office's assertion that the recitation of “substituted” in claims 1-3 and 5-9 renders these claims indefinite. First, the term “substituted” does not appear in claim 5. Second, in each of independent claims 1 and 6-9, the term “substituted” is followed by the phrase “by one or more substituent groups” or “by one or more substituents,” and each of these phrases, in turn, is followed by a finite listing of defined substituents, e.g., “halogen atoms, cyano, nitro, -OR⁴, -NR⁵R⁶, -CONR⁵R⁶, -COOR⁷, -NR⁸COR⁹, -SR¹⁰, -SO₂R¹⁰, -SO₂NR⁵R⁶, -NR⁸SO₂R⁹, C₁-C₆ alkyl or trifluoromethyl groups.”

Similar wording is found in claim 3. Finally, claim 2 depends from claim 1 and therefore incorporates all of the limitations of claim 1. Accordingly, the skilled artisan would understand that claim 2 encompasses methods in which R¹ is a benzyl group that is optionally substituted with one or more of the substituents recited in the definition of R¹ in claim 1. In short, the skilled artisan would understand which "substituted" compounds are encompassed by the claims and which are not. As such, the present claims are definite and therefore meet the requirements of 35 U.S.C. § 112, second paragraph.

Claim Objection

Claim 4 is objected to for reciting "compounds" (Office Action, page 3). Applicants respectfully request reconsideration and withdrawal of the objection in view of the amendment to claim 4.

The fee in the amount of \$1,110 for the three month extension of time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of a Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-514US1 / 101315-1P US.

Respectfully submitted,

Date: February 9, 2009

/John T. Kendall/
John T. Kendall, Ph.D.
Reg. No. 50,680

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945